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RHEHNSC/NSC WASHINGTON DC 1526
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S E C R E T SECTION 01 OF 03 STATE 097379

SIPDIS

E.O. 12958: DECL: 08/26/2018
TAGS: [EFIN](#) [ETTC](#) [KTFN](#) [PTER](#) [UNSC](#)
SUBJECT: UN 1267: REQUESTING ASSISTANCE TO RESOLVE
LONGSTANDING USG HOLDS ON LIBYAN TERRORIST SANCTIONS
REQUESTS

Classified By: Acting Assistant Secretary Brian H. Hook
for reasons 1.4 (b) and (d).

[1](#)1. (U) This is an action request. Please see paragraphs 5-8.

BACKGROUND

[1](#)2. (C) In August 2004, the Libyan government nominated 74 names for addition to the UN 1267 Committee's Consolidated List of individuals and entities associated with Usama bin Laden, al-Qaida or the Taliban. The U.S. government placed a hold on Libya's request because the Libyan government did not provide sufficient information to support their listing request. Upon placing the hold, we asked the Libyans to withdraw the 74 names and re-submit their listing requests in smaller tranches with more evidentiary and/or bio-identifier information. The Libyan government never withdrew the original nomination to list 74 individuals, and has since told USG officials that they will not withdraw the original submission until we decide whether or not to support subsequent Libyan 1267 listing requests.

[1](#)3. (C) In December 2004, Libya proposed for 1267 listing two names for which Germany provided a statement of case (SOC). (Note: One of these two names had been included in the original Libyan submission of 74 names.) We placed holds on both of the December 2004 requests. In May 2005, Libya nominated 12 individuals for UN 1267 listing. (Note: Ten of the twelve had been included in the original list of 74 names and two were new nominations.) We placed holds on all 12 names, but later lifted our holds on 7 of the 12 names (5 holds were lifted in 2007, 2 were lifted in 2008). (Note: the UK also placed a partial hold on nominations for 9 of the 12 individuals, and later lifted its holds on 3 of those 9.) We lack sufficient evidentiary and or bio-identifier information to lift our remaining 8 holds of the 14 total holds -- 6 placed on May 2005 nominations by Libya, and 2 placed on December 2004 nominations by Libya. We have previously told the Libyans we would not be able to lift our remaining holds unless the Government of Libya (GOL) is able to provide sufficient additional supporting information.

OBJECTIVES

[1](#)4. (U) We currently have 8 holds (not including the original August 2004 hold on 74 names, which the GOL needs to withdraw) remaining on Libyan-nominated 1267 listing requests. We want the GOL (or Germany, in the case of the 2 GOL-nominated individuals for whom Germany provided statements of case in 2004) to provide sufficient additional supporting evidentiary and bio-identifier information so that we can lift our holds, or we will block the remaining 8 GOL-nominated names. We want to underscore that we do not place blocks lightly and prefer if at all possible to support

other countries' nominations to the 1267 Committee. Going forward, we would like to cooperate more closely at an earlier stage with Member States wishing to propose 1267 listings so that we can do our best to ensure we have sufficient information to support the request once it is formally submitted to the 1267 Committee. We would like to develop a closer relationship with Libya on sanctions issues, in particular, including by working jointly to develop targets for listing under UNSCR 1267.

ACTION REQUEST

¶5. (U) For Embassy Tripoli: Drawing on points in paragraphs 6-8, Embassy Tripoli is requested to convey to Libyan Arab Jamahiriya (Libya) our commitment to resolving longstanding holds, and to working with them and others to update the 1267 (al-Qaida/Taliban Sanctions) Consolidated List. Post should explain to the Libyans that we have in the past preferred to place holds rather than block listing requests in hopes that we could locate more information about the individuals on hold and eventually support the request. However, we understand that the long-standing holds have left some Member States with the mistaken impression that we have not cared enough about other governments' proposals to make a timely decision. On the contrary, post should convey to the Libyans that we would like to support and encourage more Member

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States' listing requests and are committed to working with the GOL and other governments to help update the 1267 sanctions list. However, we will be forced to block listing requests unless we can obtain sufficient information from the designating state on the individuals proposed for listing. Under our U.S. domestic procedures for listing, we are required by executive order to meet a fairly high evidentiary standard before we can list an individual or entity. We wish to fulfill our obligations under the UN Charter to take actions required by the UNSC under Chapter VII to list individuals and entities. We therefore endeavor to ensure we have sufficient evidence to list domestically before we agree to a listing at the UN. In Libya's case, Post should ask Libyan officials to provide additional evidentiary and bio-identifier information by October 15 for the eight Libyan-proposed names for 1267 listing for which the USG maintains holds. Absent sufficient new information by October 15, Post should inform the GOL we will block these remaining 8 names from consideration for 1267 listing. Post should further ask the GOL to withdraw by October 15 its August 2004 request to list 74 names or we will likewise block the request.

¶6. (U) Embassy Tripoli may wish to draw from the following points when engaging with the GOL on 1267 holds:

-- We are working to ensure the 1267 Consolidated List is robust and effective. We remain committed to support Libya's (and other governments') requests to add names to the 1267 Consolidated List.

-- We would like to cooperate with you on proposals for new 1267 listings of the current leadership of al-Qaida or Taliban-linked terrorist organizations, such as the Libyan Islamic Fighting Group (LIFG).

-- We would also like to work with you to resolve outstanding holds we have placed on names you have previously nominated for inclusion on the 1267 Consolidated List.

-- In order to resolve our holds on eight names previously nominated by the GOL for 1267 listing, we have undertaken an additional comprehensive review of the information we have on this eight individuals, and we remain unable to support 1267 listing of these individuals due to insufficient supporting

information.

-- We request that the GOL provide by October 15 two types of information -- (1) detailed factual information describing the activities of these eight individuals in support of 1267-listed groups such as al-Qaida and/or LIFG; and (2) additional bio-identifier information on these 8 individuals -- on the remaining eight names on which we maintain holds.

Factual Information Needed for Proposed Sanctions Targets:

- Detailed information, preferably from the last four years, describing the activities of the aforementioned 8 individuals on behalf of al-Qaida, Usama bin Laden, the Taliban, or other 1267-listed groups or individuals. Where possible, this information should provide the approximate dates of any reported activities.

- Example: (individual nominated for listing) served as an (operations and/or training and/or recruitment and/or communications and/or financial and/or other) officer for al-Qaida (or LIFG, or other 1267-listed group or individual).

In that capacity, in (month/year) (1267 nominated individual/entity) (plotted and/or conducted an attack against a particular target; trained 1267-listed group members to produce explosive devises; raised funds for 1267-listed group through smuggling, theft or other activities; or other activity).

- The GOL is also urged to supplement intelligence information on these points with information from any other available sources. This includes: (1) legal documentation relating to prosecution, indictment, or other relevant judicial actions; (2) information from other governments on the activities of these persons; (3) information about ongoing or past INTERPOL investigations, red notices, or other relevant information detailing the individuals' support to listed groups; (4) open source materials such as public governmental reports, NGO reports, academic articles, and media reporting.

Biographic Information Needed for Proposed Sanctions Targets:

- Year, month, day, city and country of birth
- Passport number(s) and country(ies) of issuance
- Identification number(s) - for example: drivers license, national identity card
- Aliases and alternate renderings of name

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REQUES

-- In the event you are unable to provide the requested additional information which would help enable us to lift our holds on the remaining eight proposed sanctions targets, we request that you withdraw all of your pending listing requests to the 1276 Committee by October 15 or we will be forced to block the requests.

-- We would like to work more closely with you to jointly develop targets for 1267 listing. We envision this relationship to include regular dialogue on these issues, including an exchange of information on the specific requirements of both our governments for securing support for particular sanctions' requests. We propose initiating a senior- and working-level dialogue to commence this October in Tripoli with a visit by OFAC Director Adam Szubin.

17. (S) Embassy Tripoli is further requested to share with host government the attached names of GOL-nominated individuals who remain on hold by the U.S. in the 1267 Committee.

Begin Text:
Maintain Format

- 1) Name: Ali Akrouche Ali Belfigi Al-Ragbani
- 2) Name: Meftah Ahmed Saad Kechrouf

- 3) Name: Abdul Basset Haroun Moussa Al Shehibi
- 4) Name: Fethi Ahmed El Fetouri Ali El Gharari
- 5) Name: Hussein Amohamed Ahmed Al-Burka'ai
- 6) Name: Khaled Khalifa Abdessalam Abou Arkoub
- 7) Name: Fa'iz Abu Zaid Miftah al-Warfali
- 8) Name: Abd al-Hakim al-Khuwailidi al-Masri Bilhaj

18. (U) For Embassy Berlin: Embassy Berlin is requested to inform German officials that we are working to resolve holds on other countries submissions to the UN 1267 (al-Qaida/Taliban Sanctions) Committee. To help us resolve these holds, we ask that the German government provide to us by October 15 any additional supporting information they may have to help us support a December 2004 1267 listing request by the Libyan Government to the 1267 Committee for 2 individuals -- Fa'iz Abu Zaid Miftah al-Warfali and Abd al-Hakim al-Khuwailidi al-Masri Bilhaj -- for whom Germany provided a statement of case. Post may wish to draw from the examples provided in paragraph 6 of the types of information (factual and biographic) which could help us come to a final determination on these pending 1267 listing requests.

POINT OF CONTACT

19. (U) Questions may be directed to IO/PSC (Erin Crowe, 202-736-7847).
RICE